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Attorneys for Individual and Representative Plaintiffs

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Philip Wong, Frederic Chaussy, and Leslie
Marie Shearn, individually, on behalf of all
others similarly situated, and on behalf of
the general public,

Plaintiffs,

vs.

HSBC Mortgage Corporation (USA);
HSBC Bank USA, N.A.; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 3:07-cv-2446 MMC

**AMENDED DECLARATION OF
PLAINTIFFS' COUNSEL, BRYAN J.
SCHWARTZ, ESQ., REGARDING
PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS' COMPLETE AND
THOROUGH RESPONSES TO
INTERROGATORIES 4 AND 6 AND
REQUESTS FOR PRODUCTION 1, 3, 4,
AND 5, WITHIN FIVE (5) DAYS OF
THE COURT'S ORDER**

¶1. My name is Bryan Schwartz and I am counsel of record in the above-referenced matter. I am over the age of 18 and competent to testify about the matter set forth herein.

¶2. On July 11, 2007, after meeting-and-conferring with Defendants' counsel (Michelle Barrett) pursuant to Fed.R.Civ.P. 26(f), I initiated discovery on behalf of Plaintiffs, serving interrogatories, requests for production of documents, and requests for admissions.

1 ¶3 Pursuant to Federal Rule of Civil Procedure 37(a)(1)(A), I conferred with defense counsel
2 to try to resolve the discovery issues addressed in the above-referenced Motion to Compel, but
3 was unsuccessful. In particular, the parties exchanged extensive communications on August 17,
4 20, and 21, 2007, reaching an impasse regarding the necessity of Defendants' prompt cooperation
5 in full discovery. I have sought to narrow the scope of discovery due immediately, to encourage
6 Defendants to cooperate. Nonetheless, immediately prior to Plaintiffs' service of this Motion, on
7 August 21, 2007, Defendants reiterated their refusal to cooperate.
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10 ¶4 Plaintiffs are hamstrung in discovery by Defendants' refusal to provide the names and
11 contact information of relevant witnesses. For example, Plaintiffs cannot obtain information
12 which may tend to corroborate the Plaintiffs' own accounts, including information from managers
13 and co-workers who do will not gain by this lawsuit but who may testify truthfully about
14 Defendants' practices. Though Defendants will inevitably attempt to present witnesses to attempt
15 to rebut Plaintiffs' assertions, Plaintiffs are denied the opportunity to explore (beyond Plaintiffs
16 own clients) the nature and scope of Defendants' unlawful activity.
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19 ¶5 Exhibit 1 to the Motion is a true and correct copy of Plaintiffs' Interrogatories and
20 Requests for Production of Documents, served July 11, 2007, in the above-referenced matter.
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23 ¶6 Exhibit 2 to the Motion is a true and correct copy of Defendants' Responses to Plaintiffs'
24 discovery requests (in Exhibit 1), served on or after August 13, 2007.
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26 ¶7 Exhibit 3 to the Motion is a true and correct copy of *Stillman v. Staples, Inc.*, Civ. No.
27 2:07-cv-00849 (D.N.J. July 30, 2007).
28

¶8 Exhibit 4 to the Motion is a true and correct copy of *Bryan Pepe, et al v. Accredited Home Lenders*, Civ. No. 2:06-cv-01225 (W.D. Pa. May 14, 2007).

¶9 Exhibit 5 to the Motion is a true and correct copy of *Darryl Allen, et al v. Accredited Home Lenders*, Civ. No. 3-06-0921 (M.D. Tenn. Apr. 23, 2007).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: 8/21/07


Bryan Schwartz